

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL VIATICAL, INC. and)	
JAMES TORCHIA,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	CASE NO. 1:11-CV-01226-RHB
UNIVERSAL SETTLEMENTS)	
INTERNATIONAL, INC.,)	
)	
Defendant.)	

**PLAINTIFFS NVI AND JAMES TORCHIA’S MOTION TO STRIKE COUNT III
OF USI’S COUNTERCLAIM**

National Viatical, Inc. and James Torchia move this Court to strike Count III of USI’s Counterclaim that consists entirely of scandalous allegations pursuant to its power under FED. R. CIV. P. 12(f). Universal Settlements International, Inc. baldly accused NVI and Torchia and their counsel of intentionally misrepresenting their intentions to fully and completely settle USI’s lawsuit but did not allege any facts whatsoever in support of these scandalous allegations. Rather, USI based its allegations on nothing more than its own “information and belief.” USI’s ad hominem attacks against NVI and Torchia and their counsel are abusive, offensive, and wholly baseless and unsubstantiated.

Moreover, USI made the implicit suggestion in Count III that this Court presided over a sham proceeding when it oversaw the October 26, 2010 settlement conference.

Courts have the power under FED. R. CIV. P. 12(f) to prevent damage to the reputation of litigants, attorneys and the decorum of court proceedings. USI has failed to plead a factual basis for fraudulent inducement because there is none. Accordingly, NVI and Torchia request that this Court strike USI's scandalous allegations under FED. R. CIV. P. 12(f).

This the 16th day of January, 2012.

/s/ Jason W. Graham
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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the other parties in the foregoing matter with a copy of the foregoing Motion to Strike Count III of USI's Counterclaim via the Court's CM/ECF notification system.

This the 16th day of January, 2012.

/s/ Jason W. Graham

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